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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,252	02/21/2002	Yasumasa Mizushima	SON-2058/YAM	9700

7590

02/25/2005

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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,252

Applicant(s)

MIZUSHIMA ET AL.

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. The amendment filed on 11/12/04 has been entered. Claims 1-11 are still pending.

Information Disclosure Statement

2. The information disclosure statement filed on 11/19/03 is missing. Applicant is required to send in another listing of the IDS so that the Examiner can properly consider it.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3, 4-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldwerger et al (US 2003/0216993 A1) in view of De Roche (US 6,429,810).

As per claims 1, 3, 4-6, 8 and 9, Goldwerger et al teach a concentrated physical distribution management method to be used when consigned cargo is delivered to a destination,

Art Unit: 3627

wherein said method is processed to be electronic information capable of being mutually communicated by means of communication network lines (page 2, [0010], lines 1-1-11), said method comprising: a shipping instruction processing step of instructing delivery of the consigned cargo to the destination collectively including a physical distribution trader by accessing a specific site (page 1, [0006], lines 1-16); a physical distribution expense calculation processing step of calculating physical distribution expenses necessarily for delivery of the cargo to the destination (page 10, [0105], lines 1-22).

Goldwerger et al do not teach a cargo tracking processing step of indicating a delivery status of the cargo but De Roche teaches an autonomous cargo tracking system comprising of communication and sensor unit affixed to the container to be tracked during shipping, providing the shipper and/or forwarder with accurate, timely, cargo status as claimed (see abs, col. 2, lines 11-14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the cargo tracking system as taught by De Roche into the system of Goldwerger et al because it would provide a position sensing and communication (PSC) unit affixed to or integrated into a shipping container, shipping pallet, cargo net, or cargo unit that gives additional information such as environmental conditions, container status, rate and/or direction of movement (page 2, lines 32-40).

As per claims 2, 7, 10 and 11, Goldwerger et al teach a concentrated physical distribution management method to be used when consigned cargo is delivered to a destination, wherein said method is processed to be electronic information capable of being mutually communicated by means of communication network lines (page 2, [0010], lines 1-1-11), said method comprising: a

Art Unit: 3627

shipping instruction processing step of instructing delivery of the consigned cargo to the destination collectively including a physical distribution trader by accessing a specific site (page 1, [0006], lines 1-16); a physical distribution expense calculation processing step of calculating physical distribution expenses necessarily for delivery of the cargo to the destination (page 10, [0105], lines 1-22).

Goldwerger et al do not teach a cargo transportation route with said shipping instruction on the basis of said shipping instruction information and said transport schedule but De Roche teaches an IBALE system that provides the shipper with all of the requested information, including schedules and transit requirements (e.g., truck, train, ship, and/or airline), said IBALE system can be configured to provide the user with multiple shipping options, preferably prioritized on the basis of cost, schedule, or other shipping characteristic. Alternately, the IBALE system can be configured to provide a single shipping option based on the specific budgetary and schedule constraints input by the shipper (col. 4, lines 59-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the cargo tracking system as taught by De Roche into the system of Goldwerger et al because it would make the shipper or the forwarder aware of the route change of the freight if any and expected arrival time of the cargo.

Response to Arguments

6. Applicant's arguments filed on 11/12/04 have been fully considered but they are not persuasive.

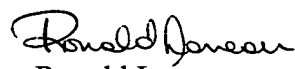
Art Unit: 3627

Applicant argues that De Roche may be unavailable as prior art. Contrary to applicant's argument, the priority based upon Provisional Patent Application Serial NO. 60/179,536 filed on February 1, 2000 is sufficient to beat the priority date of applicant's invention which is March 31, 2000. As a result, De Roche is considered to be prior art to Applicant's invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ronald Laneau
Examiner
Art Unit 3627
2/19/05

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